

THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

-
WRIT PETITION No. 23484 OF 2006

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Dated 8th October, 2007

Between:

Bestha Ramanjaneyulu and others.

...Petitioners

And

Assistant Inspector of Fisheries/Election
Officer, Dharmavaram, Anantapur District
and others.

...Respondents.

ORAL ORDER:

In this writ petition, the petitioners – 43 in-number, seek a declaration that the action of the respondents in not including them in the voters' list for conducting the elections to the Managing Committee of the Fishermen Cooperative Society of Kothacheruvu, Anantapur District is illegal.

It is the case of the petitioners that they are the members enrolled on the rolls of the society and even participated in the elections held in the year 2001. But, however, this time, their names are not shown in the voters list.

In response to the notice issued by this court, the official respondents as well as third respondent – Person-in-Charge have filed separate counter affidavits.

The Person-in-Charge who is appointed under Section 32(7) (a)(i) of the A.P.Cooperative Societies Act, 1964 and is presently managing the affairs of the society stated that the petitioners are not the members of the society and as such, they have no locus standi to question the election process by way of a writ petition.

Even in the counter affidavit filed on behalf of the respondents 1 and 2, it is stated that 43 petitioners never attended any meetings conducted by the society and there is also no evidence of their participation in the affairs of the society.

While it is the case of the petitioners that they are members of the society and their names are not shown in the voters list for conduct of elections, but, however, the respondents have filed counter-affidavits disputing their membership in the third respondent-society. As much the very membership is in dispute, unless they establish their membership in the society, they cannot seek any direction for inclusion of their names in the voters list for

conduct of elections to the Managing Committee of the society. Therefore, in view of the factual disputes, it is appropriate for the petitioners to move the authority competent for adjudication of such disputes under the provisions of the A.P. Co-operative Societies Act, and no direction as sought for in this writ petition can be granted.

The writ petition is dismissed keeping open to the petitioners to raise dispute with regard to their membership before the competent authority under the A.P. Co-operative Societies Act, 1964. No costs.

8-10-2007 **R.SUBHASH REDDY, J.**

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